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Remarks

Reconsideration is requested of the application in which claims 1, 4, 6, 7, 16, 21, and 24-26 will be pending after enter of the above amendments. Applicants gratefully acknowledge the indication that claim 24 contains allowable subject matter.

Claim Rejections - 35 U.S.C. §103:

Claims 1-14, 16-21 and 25 are rejected under 35 U.S.C. §103 in view of Mills (U.S. Patent Application US Patent No. 5,890,063) and Ahrens US Patent No. 5,848,144). Applicants respectfully traverse the rejections as explained below.

Applicants respectfully submit that the applied references, with or without combination, assuming, *arguendo*, that the combination of the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Claim 1 is directed to a method of migrating subscribers from a first network to a second network. At least one connection is transferred from at least one other network from a GMSC1 to a GMSC2. An HLR in the second network is updated with routing information about subscribers now served by the second network. All call requests are directed from the at least one other network for subscriber served by one of the first and second networks to the GMSC2. The second network employs a different network technology than the first network. The GMSC2 queries the HLR for routing information for a destination subscriber upon receiving a call request. If routing information for the destination subscriber is available from the HLR in response to the query, the GMSC2 routes the call to the second network. If no routing information for the destination subscriber is available on the HLR in response to the query, the GMSC2 routes the call to the first network.

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The method of claim 1 differs substantially from and is not obvious in view of Mills, or the combination of Mills in view of Ahearn. Figure 9 of Mills illustrates its method for routing calls. As per Mills, if a mobile station is now served by a different network with a corresponding different HLR, and a call to the mobile is received at a gateway of the previous network, the HLR of the previous network stores routing information about the current location of the mobile station in the different network. This stored routing information is retrieved by the gateway and the new network address is inserted as part of the new called party number. The previous gateway forwards this re-addressed request to the gateway of the different network at which the mobile station is currently supported.

This is substantially different from, and does not teach, the method in accordance with claim 1. It will be noted that all call requests for the first and second networks are directed to a single gateway mobile switching center (GMSC2). Such a requirement is not taught in Mills. Further, Mills does not teach the routing of the call to the first network if no routing information for the destination subscriber is available from the HLR of the second network. In fact, Mills teaches away from this requirement in that Mills suggests that the routing information is obtained by the HLR associated with the gateway receiving the call request.

The Ahearns reference was only cited for teachings relevant to a second network that employs a network technology different than the network technology of a first network. Thus, Ahearns was not cited with regard to the routing of calls.

Therefore, neither Mills, Ahearns, nor the combination thereof, renders obvious the subject matter of claim 1. The claims dependent on claim 1 provide further patentable distinctiveness when the limitations of the dependent claims are properly considered in combination with the limitations of the parent claims.

Apparatus claim 16 is believed to be allowable for similar reasons discussed above with regard to claim 1.

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Claim 24, previously indicated as directed to allowable subject matter, has been rewritten in independent form, and hence is believed to be allowable.

Claims 25 and 26 further define the different types of network technology. Official Notice was taken that a TDMA network is known in the art. The law is well settled that a proper prima facie grounds for rejecting a claim under 35 U.S.C. 103 requires more than merely finding each of the elements/limitations are individually known. There must be a reasonable suggestion provided by the art of record of a reason that would cause one of ordinary skill in the relevant art to combine the teachings and elements of the different references. As explained above, the applied art provides no such suggestion with regard to the requirement of requiring first and second network of different network technologies as properly understood in accordance with the present application.

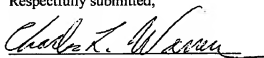
In the Advisory Action of October 7, 2004 a response was made to applicant's arguments concerning the inappropriateness of the combination of references made applied to claim 25. Even if applicant were to agree for purposes of argument that TDMA networks were generally known in the art, there is still a requirement for a teaching, suggestion, or motivation to combine the teachings. In the Advisory Action, the only "motivation" was stated that "the advantages of a TDMA network, such as improved system capacity and low noise, are well-known." Applicant respectfully traverses this rejection based on these grounds.

Virtually every system or device has some advantage or difference relative to other systems or devices. There is nothing in the claimed invention by applicant that requires an improved system capacity or low noise. Merely asserting an alleged advantage that is not related to the claimed invention does not support a prima facie support for motivation to combine references. If merely stating some advantage offered by one reference was sufficient grounds for supporting the motivation for combining that reference with another reference where the motivation is not related to the claimed subject matter, then the requirement as set forth in numerous opinions by the Court of Appeals for the Federal Circuit would be rendered moot. Applicant respectfully traverses the rejection for failure to state prima facie grounds for combining the applied references.

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If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney at 630-584-9206.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Charles L. Warren", is written over a horizontal line.

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